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**REMARKS**

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

**PENDING CLAIMS**

Claim 1 was pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claim 1 will be pending for further consideration and examination in the application.

**REJECTION UNDER '112, 2ND PAR. OBLIVIATED VIA CLAIM AMENDMENT**

Claim 1 has been rejected under 35 USC '112, second paragraph, as being indefinite for the concerns listed on page 2 of the Office Action. Appropriate ones of such claims have been carefully reviewed and carefully amended where appropriate in order to address the Office Action listed concerns. As the foregoing is believed to have addressed all '112 second paragraph concerns, reconsideration and withdrawal of the '112 second paragraph rejection are respectfully requested.

**ALL REJECTIONS UNDER 35 USC '102 - TRAVERSED**

All 35 USC rejections (i.e., the 35 USC '102 rejection of claim 1 as being anticipated by Hirayama et al. (U.S. Patent 5,652,824)) is respectfully traversed.

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All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

In order to properly support a '102 anticipatory-type rejection, any applied art reference must disclose each and every limitation of any rejected claim. The applied art does not adequately support a '102 anticipatory-type rejection because, at minimum, such applied art does not disclose (or suggest) the following discussed limitations of Applicant's claims.

According to the present invention, the recording apparatus defines and records (on a medium) four kinds of still picture management information such as:

"first still picture management information (V\_I) being information on said still picture with no audio to be reproduced in synchronism with the reproduction of the still picture",

"second still picture management information (V\_OA\_I) being information on said still picture with only the original audio recorded at the same time the still picture was recorded"

"third still picture management information (V\_AA\_I) being information on a still picture with only the post-recorded audio added to the still picture already recorded", and

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"fourth still picture management information (V\_OA\_AA\_I) being information on a still picture with both of the original audio and a post-recorded audio added to the still picture already recorded".

The limitations of "if there is no original audio recorded at the same time said still picture was recorded, first still picture management information is selected" and "if there is an original audio recorded at the same time said still picture was recorded, second still picture management information is selected" in claim 1, corresponds to steps 1069 and 1071 in Fig. 17, respectively. The limitations of "if said still picture already recorded has no original audio, said first still picture management information is replaced with third still picture management information" and "if said still picture already recorded has the original audio, said second still picture management information is replaced by fourth still picture management information" represent steps 1076 and 1077 in Fig. 18, respectively.

The cited reference Hirayama et al (US 5652824) does not teach to define above four kinds of still picture management information. That is, Hirayama discloses a reproducing apparatus for reproducing image or audio data from previously-recorded medium (disk). Hirayama neither discloses, nor teaches, a recording apparatus for recording one or more still pictures and still picture group management information for managing said one or more still pictures as a still picture group onto a storage medium. Hirayama discloses a "Kara-OK" player which reproduces Kara-OK music and the associated background scene movie. Audio or sound is always recorded in any Kara-OK disk. There is no Kara-OK disk in the world not having audio recording thereon.

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In column 6, line 32 of Hirayama, there is a phrase of "there is no speech". However, this means that only a music is recorded but the speech is not recorded. The recorded music is still audio. Accordingly, Hirayama does not teach that the still picture with no audio is recorded. Since the Kara-OK disk reproduced by the Kara-OK player of Hirayama always has recording sound (music), it should easily and clearly be understood that it is not necessary (i.e., there is absolutely no need/benefit) to use above-mentioned four kinds of still picture management information, and also not necessary to replace the first/second still picture management information with the third/fourth still picture management information.

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a '102 anticipatory-type rejection Applicant's claim. Accordingly, reconsideration and withdrawal of such '102 rejection, and express written allowance of the rejected claim, is respectfully requested.

#### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

#### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or

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any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

#### CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.37453CX4) and please credit any excess fees to such deposit account.

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Based upon all of the foregoing, allowance of all presently-pending claims is  
respectfully requested.

Respectfully submitted,

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